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Attorney Docket No. 3715.0109-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Joël RICHARD et al.) Group Art Unit: 1615
Application No.: 10/049,186) Examiner: unknown
Filed: February 8, 2002)
For: MICROPARTICLES FOR)
PULMONARY ADMINISTRATION)

Commissioner for Patents
Washington, DC 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO-1449. This Information Disclosure Statement is being filed within three months of the filing date of the above-referenced application.

Copies of the listed documents, including any copending patent applications, are attached. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Applicants note that WO 98/31346, FR 2 753 639 A1, EP 0 706 821 A1, and WO 96/29998 A1, which are listed on the Form PTO-1449, were identified as being "X" documents on the International Search Report for PCT/FR00/02282, upon which this application is based. Applicants submit herewith a translation of the International

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Search Report, and a copy of the International Preliminary Examination Report, for the Examiner's convenience.

Applicants note that FR 2 753 639 A1 is written in French and that a translation is not provided. However, the Annex to the International Search Report indicates that PCT publication WO 98/13136, published April 2, 1998, is a family member. PCT publication WO 98/13136 is based on PCT/FR97/01674, from which U.S. Patent No. 6,183,783 issued from the U.S. national stage application. Thus, in lieu of a translation, Applicants are providing U.S. Patent No. 6,183,783.

In addition, Applicants have also listed on the Form PTO-1449, PCT publication WO 01/15799 A1, published March 8, 2001, which is written in French and based on PCT/FR00/02376, filed August 25, 2000. In lieu of a translation, Applicants submit herewith a copy of U.S. Application Serial No. 10/069,405, filed February 26, 2002, which is the U.S. national stage application, filed under 35 U.S.C. § 371, of PCT/FR00/02376.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

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Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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Dated: May 8, 2002

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